

REMARKS/ARGUMENTS

This application now contains claims 1 through 24. Claims 1 and 8 have been amended. Claims 14 to 24 have been newly presented. Claims 1 and 8 have been amended such that the "Ar" of Formula I is a polynuclear heterocyclic moiety. Newly presented claims 14 through 24 correspond to original claims 11 through 4, 6 through 11 and 13, respectively, but require that Ar of Formula I be a mononuclear heterocyclic moiety and that linking group "L" be a carbon-carbon single bond or one of the linking groups claimed in original claims 5 and 12. Applicants submit that in making the noted claim amendments no new matter has been presented.

Claims 1 through 5 and 7 through 12 were rejected under 35 USC Section 103(a) as being unpatentable over U.S. Patent No. 4,025,452 to Nnadi et al. (hereinafter "the Nnadi et al. patent") in view of U.S. Patent No. 5,652,201 to Papay et al. (hereinafter "the Papay et al. patent"). Claims 6 and 13 were rejected under 35 USC Section 103(a) as being unpatentable over the Nnadi et al. patent in view of the Papay et al. patent, as described above, in further view of U.S. Patent No. 3,156,690 to Dexter et al. (hereinafter "the Dexter et al. patent").

As noted *supra*, independent claims 1 and 8 require that "Ar" be an oligomer of linked polynuclear heterocyclic moieties. The Papay et al. patent was cited only to establish that the use of high molecular weight dispersants, in combination with other additives, in lubricating oil compositions was known. Both the Nnadi et al. patent and the Dexter et al. patent are directed exclusively to triazine-based compounds. There is nothing in either the Nnadi et al. patent nor the Dexter et al. patent that would suggest the polynuclear heterocyclic-based compounds of Formula I, as described in claims 1 and 8, or that such compounds would be of any utility in lubricating oil compositions and more specifically, lubricating oil compositions containing high molecular weight dispersants. Therefore, Applicants submit that the subject matter of claims 1 and 8, as well as that of claims 2 through 7, which each depend directly or indirectly from claim 1, and claims 9 through 13, which each depend, either directly or indirectly from claim 8, is neither taught nor fairly suggested by the Nnadi et al. patent, the Papay et al. patent, the Dexter et al. patent, or any combination thereof.

In newly presented independent claims 14 and 20, Ar of Formula I is a mononuclear heterocyclic moiety, and specific linking groups "L" are defined. Linking group "L", as presently defined may be an ether linkage and it is alleged that the Nnadi et al. patent reads upon such a

species. However, the amine-terminated polypropylene oxide-polyethylene oxide linking group of the Nnadi et al. patent is not an ether linking group as defined in the present specification (see page 14, lines 22 and 23); there is no direct linkage of an ether moiety to an "Ar" moiety. Nor can the linkage of the Nnadi et al. patent be construed as an amine linkage as defined in the present specification (see page 14, lines 34 and 35). As the Nnadi et al. patent is directed expressly to the discovery that the noted amine-terminated polypropylene oxide-polyethylene oxide linking group provides triazine compounds with dispersant/viscosity modifier multifunctionality, the reference clearly provides no motivation to modify the linking group in any manner.

With regard to claims 6 and 13 (and claims 18 and 24), it is noted that the Dexter et al. patent is directed primarily to certain substituted triazine compounds that act as antioxidants, including certain species of bis-triazines linked by a linking group that could be a sulfur-containing linkage or diacyl linkage. The Dexter et al. patent does not disclose or suggest the higher oligomers of the present claims. In presenting the rejection, it is conceded that the acyl linkage of the Dexter et al. patent is not the acyl linkage specified in noted claims and that the sulfur linkage would only be a sulfur linkage of the noted claims in the absence of moiety "A". Applicants note, however, that the Dexter et al. patent requires the presence of moiety A in the linking group of the disclosed bis-triazine compounds. Thus, it is apparent that, as neither the Nnadi et al. patent nor the Dexter et al. patent disclose or suggest the linking groups specified in claims 6, 13, 18 and 24, said linking groups cannot be deemed suggested by any combination of said references.

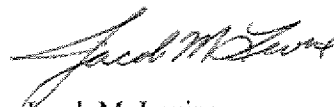
Further, the stated rejection is premised on the basis that it would be obvious to substitute the linkage moiety of the Dexter et al. patent for that of the Nnadi et al. patent. Applicants submit, however, that the cited references provide no motivation to do so. Such substitution would only be made by one with knowledge of the present specification and thus, the stated rejection is based on impermissible "hindsight reconstruction". As noted above, the Nnadi et al. patent is directed expressly to the discovery that the use of an amine-terminated polypropylene oxide-polyethylene oxide linking group provides triazine compounds with dispersant/viscosity modifier multifunctionality. There is no suggestion therein that such an effect is evident when any other type of linkage group is used and making such a substitution would, therefore, actually be counter to what is taught as being the basic inventive concept of the reference. Therefore, it is clear that

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one skilled in the art, with full knowledge of the disclosure of the Dexter et al. patent (but with no knowledge of the disclosure of the present application) upon reading the Nnadi et al. patent, would not be led to use any linkage group other than the specific linkage group expressly disclosed therein.

Based upon the foregoing, applicants submit that the present claims distinguish over the prior art of record and that this application is in condition for allowance. Therefore, applicants respectfully request that all rejections presented under 35 USC Section 103(a) be withdrawn, and the application now be passed to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jacob M. Levine". The signature is fluid and cursive, with the first name "Jacob" being more prominent.

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